

THE UNITED METHODIST CHURCH  
THE TEXAS ANNUAL CONFERENCE

Scott J. Jones, Resident Bishop

June 29, 2022

BISHOP'S DECISION OF LAW

Question 1. It was within the legislative prerogative of General Conference to set the expiration date of ¶ 2553.2 on December 31, 2023, since it has "full legislative power over all matters distinctively connectional. ... " ¶ 16 The Book of Discipline. Legislative enactments of General Conference remain constitutional until such time that they are declared to be unconstitutional by Judicial Council.

Question 2. Sufficient time in ¶2553.2 refers to the amount of time between the decision of the local church to disaffiliate and action of the annual conference in completing the process for the local church to exit the denomination. It does not apply to delays occasioned in the events leading up to the disaffiliation decision.

Question 3. The expiration date of ¶2553 is December 31, 2023 as stated in the enacted legislation. The Annual Conference may not negate, ignore, or violate the provision of the Discipline. Decision 886.

STATEMENT OF FACTS

The 2022 session of The Texas Annual Conference met in person at the Hilton Americas-Houston May 29 - June 1, 2022. On Tuesday, May 31, 2022, at the beginning of business session III, Rev. Dr. Sterling Allen, a member of the Conference approached the microphone to request the Conference consider sending a Motion for Declaratory Decision to the Judicial Council under ¶2610.2 (G) pertaining to ¶2553.2 of The Discipline dealing with the term limits of the paragraph. A motion to suspend the rules to consider the motion was made and was defeated. Thereafter Rev. Allen requested a ruling of law. The text of the request for a ruling of law was read to the Conference as follows:

Bishop Jones, in accordance with ¶ 51 , Article VII of The United Methodist constitution, I am requesting a ruling of law affecting the work of the Texas Annual Conference in considering future local church disaffiliations utilizing ¶ 2553.2 concerning the following questions:

1. Is establishing an expiration date of December 31, 2023 constitutional?

2. What is considered "sufficient time" considering denomination-wide delays, rescheduling, and cancellations of important meetings including, but not limited to, district, annual, jurisdictional, and general conference meetings due to the Covid-19 global pandemic?

3. With the passage of this paragraph in February of 2019 affording the time limitations of one working quadrennium, due to the further delay of the 2020 General Conference, should this date be considered December 31, 2027, based the principle of *stare decisis* (based on, but not limited to, JCD 1429) considering the actions of the Council of Bishops, Commission on the General Conference, and the Judicial Council?

The questions of law were submitted in writing to the bishop in the regular business session of the Conference. The relevant portion of the minutes of the Conference session are attached hereto as Exhibit A. The written Request for Ruling of Law is attached hereto as Exhibit B. The bishop announced he would give a written answer within 30 days upon consulting the co-chancellors.

#### RATIONALE

Question 1. The General Conference has the right to determine an expiration date, if it so chooses, of legislation that is being considered for enactment. It was within the legislative prerogative of General Conference to set the expiration date of ¶2553.2 to December 31, 2023 since it has "full legislative power over all matters distinctively connectional. ..." ¶16 *The Book of Discipline*. The General Conference set the expiration date of ¶2553 on December 31, 2023, and it remains constitutional until such time that it is declared to be unconstitutional by Judicial Council.

Question 2. The phrase "sufficient time" in sub-paragraph 2 of ¶2553 refers to the amount of time between the choice of the local church to disaffiliate and action of the annual conference in completing the process for the local church to exit the denomination. It does not apply to delays occasioned in the events leading up to the disaffiliation decision.

Question 3. Paragraph 2553 makes no reference to a General Conference later than 2019. Whether the setting of the date on December 31, 2023 was done with the intent of it being after a session of the General Conference is irrelevant. The absence of any such reference in the enacted legislation is decisive. Thus Decision 1429 does not apply. The deadline remains December 31, 2023 and not December 31, 2027. Annual conferences may not legally negate, ignore, or violate provisions of the *Discipline* with which they disagree. Decisions 886. To hold that the expiration date is December 31, 2027 would negate, ignore, and violate the *Discipline*. Changes in church law can be made only by the General Conference.

## RULING

Question 1. It was within the legislative prerogative of General Conference to set the expiration date of ¶2553.2 on December 31, 2023 since it has "full legislative power over all matters distinctively connectional. ... " ¶16 The Book of Discipline. Legislative enactments of General Conference remain constitutional until such time that they are declared to be unconstitutional by Judicial Council.

Question 2. Sufficient time in ¶2553.2 refers to the amount of time between the decision of the local church to disaffiliate and action of the annual conference in completing the process for the local church to exit the denomination. It does not apply to delays occasioned in the events leading up to the disaffiliation decision.

Question 3. The expiration date of ¶2553 is December 31, 2023, as stated in the enacted legislation. The Annual Conference may not negate, ignore, or violate the provision of the *Discipline*. Decision 886

## EXHIBIT B

### Question of Law pertaining to ¶2553.2 by the Texas Annual Conference of The United Methodist Church

Bishop Scott Jones  
Episcopal Leader of the Texas Annual Conference:

Bishop Jones, in accordance with ¶ 51 , Article VII of The United Methodist constitution, I am requesting a ruling of law affecting the work of the Texas Annual Conference in considering future local church disaffiliations utilizing ¶2553.2 concerning the following questions:

1. Is establishing an expiration date of December 31, 2023 constitutional?
2. What is considered " sufficient time" considering denomination-wide delays, rescheduling, and cancellations of important meetings including, but not limited to, district, annual, jurisdictional, and general conference meetings due to the Covid-19 global pandemic?
3. With the passage of this paragraph in February of 2019 affording the time limitations of one working quadrennium, due to the further delay of the 2020 General Conference, should this date be considered December 31, 2027 based on the principle of *stare decisis* (based on, but not limited to, JCD 1429) considering the actions of the Council of Bishops, Commission on the General Conference, and the Judicial Council?

Respectfully and faithfully submitted by:  
Rev. Dr. Sterling Allen  
Clergy -Texas Annual Conference

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#### ¶2553.2 Disaffiliation of a Local Church Over Issues Related to Human Sexuality

2. Time Limits - The choice by a local church to disaffiliate with The United Methodist Church under this paragraph shall be made in sufficient time for the process for exiting the denomination to be complete prior to December 31, 2023. The provisions of ¶2553 expire on December 31, 2023 and shall not be used after that date.

To whom it may concern,

At the request of the Assistant to the Bishop and one of the Co-Chancellors of the Texas Annual Conference, I am submitting the following excerpts from the Daily Proceedings of our 53rd Annual Session of the Texas Annual Conference.

**The following excerpt is from 9:00 am, Tuesday morning, May 31, 2022 related to the requests for a Declaratory Decision and then a Request for a Ruling of Law by Rev. Dr. Sterling Allen.**

**Tuesday, May 31, 2022**

**Business Session III**

***Greetings and Introductions***

Bishop Jones - "And all the time... (God is good). Good morning Conference. I can tell that you are enjoying being face to face in the same room as much as I am. I have always said that Conference has multiple purposes and that these purposes are partly business, partly revival, partly fellowship, partly a way of marking time. It has been a long two years since - three years since - we've been together. But here we are and praise the Lord, and enjoying this time together. So we thank you for all the blessings that God has given us and look forward to today and tomorrow morning as we move forward. I see somebody at microphone one."

***Motion for Declaratory Decision***

Rev. Dr. Sterling Allen - "Yes Bishop. Sterling Allen, clergy, Cypress, Good Shepherd. I move that we amend the rules to consider a motion for declaratory decision of the Judicial Council under paragraph 2610.2.J considering paragraph 2553.2 dealing with the term limits of that paragraph of the Book of Discipline."

Bishop Jones - "Let me correct your language just a little bit. You said amend the rules, but you are really asking suspending the rules. . ."

Rev. Dr. Sterling Allen - "Suspend the rules, pardon me."

Bishop Jones - "You have a declaratory decision request that a copy has been given to me, but you want it considered by the body and while the rules do not require 24 hours on the table, that

seems to be the appropriate way to do things. And so, if the rules are suspended, you would then make copies available for us to consider tomorrow morning."

Rev. Dr. Sterling Allen - "It would be my pleasure."

Bishop Jones - "Alright. The motion is to suspend the rules for consideration of this request for a declaratory decision to the Judicial Council. It's not debatable. I will put it to you now and ask for a show of hands. That's right. If you are not sitting in a chair, you cannot vote here friends. So, I've called you to order. Move to your seats please if you are a voting member. But at the moment we are going to try this by a show of hands. If you will support the motion to suspend the rules to consider this request, would you raise the hand. Down. If you are opposed, raise the hand. The motion fails."

### ***Request for A Ruling of Law***

Rev. Dr. Sterling Allen - "Bishop, I would request a rule of law. In accordance with paragraph 51, article 7 of the United Methodist constitution, I am requesting a ruling of law affecting the work of the Texas Annual Conference in considering future local church disaffiliations utilizing paragraph 2553.2 concerning the following questions: 1. Is establishing an expiration date of December 31, 2023 constitutional? 2. What is considered 'sufficient time' considering denominational-wide delays, rescheduling, and cancellations of important meetings including, but not limited to, district, annual, jurisdictional, and general conference meetings due to the Covid-19 global pandemic? And 3. With the passage of this paragraph in February of 2019 affording the time limitations of one working quadrennium, due to further delay of the 2020 General Conference, should this date be considered December 31, 2027 based on the principle of stare decisis (based on, but not limited to, JCD 1429) considering the actions of the Council of Bishops, Commission on the General Conference, and the Judicial Council?"

Bishop Jones - "I note that you have made this request for a decision of law. You have submitted it in writing to me and I am given I think 30 days in which to give you an answer and I will be consulting with my Co-Chancellors before I give a written answer that will be published in our Conference Journal."

Rev. Dr. Sterling Allen - "Thank you Bishop."

Bishop Jones - "We pick up now with our agenda from yesterday and the next phase of the report from the Center for Leadership Formation. Dayimi are you the one presenting? Rev. Dayimi Pimentel."

**The following excerpt is from the afternoon session on Tuesday, May 31, 2022 related to the Board of Trustees report and the requests for disaffiliation.**

***Board of Trustees***

Hal Sharp - "Thank you for having us back, Bishop. Members of the Annual Conference, and guests, my name is Hal Sharp.

I am a layperson from Bellaire United Methodist Church in Bellaire and it is my privilege to chair the Conference Board of Trustees.

Today, I report to you on behalf of the entire Board, which is a hard-working group of folks for which we are truly grateful. For the other Trustees on our board that are in the room today, would you please stand? We appreciate your work a lot. Most especially, we are grateful for our colleague Will Reed. He does the shoe leather work for much of what we do on behalf of the conference.

You'll find our report beginning on page 127 of the Pre-Conference Journal. I wanted to share a few of the highlights with you from that report:

First, for those of you who are unfamiliar with our work, the Board of Trustees members serve as directors of the Texas Annual Conference.

The Board is responsible for all properties owned by the Conference, including closed, discontinued, and abandoned local churches.

Our report includes a complete list of properties; those that are pending, sold, and currently for sale; as well as churches which have closed, disaffiliated, or merged since our last report.

A couple of updates for you:

First is concerning the former Bethany UMC on Linkwood here in Houston.

As we reported to you during Annual Conference sessions last year, after recommendations from the Property Task Force and the Conference Leadership Team, the Board of Trustees agreed to sell the Bethany United Methodist Church property. In January 2022, we signed a purchase agreement for \$9,275,000. We expect the to close on the sale of that property sometime next month.

As recommended by the Conference Leadership Team, after the Board of Trustees is reimbursed for the funds expended to care for the property, one half of the remaining proceeds will be designated for We Love All God's Children Ministries in honor of the request of the former members of the Bethany United Methodist Church. The other half will be designated for the New Faith Communities and any other creative faith initiative as approved by the Cabinet of the Texas Annual Conference.

A second update concerns the Boy Scouts of America bankruptcy.

As many of you will recall, during the Special Called Session of our annual conference on January 11 of this year, delegates approved a resolution that we, as a Conference will:

- One: Pray for God's grace and healing upon those who have suffered abuse by those who they trusted;
- Two: Fully support the United Methodist Church BSA Bankruptcy Settlement, including contributing financially the entire amount allocated to the Texas Annual Conference;
- Three: Participation in healing actions that include:
  - Working with our churches to review and update Safe Sanctuary policies to help safeguard young people from sexual abuse;
  - Publishing a series of articles in our Conference newspaper to call upon the churches to be vigilant in working to prevent child sexual abuse. These articles will be provided by the UMC BSA leadership team.
  - And finally, recruiting Conference leadership to listen to the survivors who choose to share their experiences, providing opportunities for healing and learning.

On March 14, 2022, the bankruptcy hearing began to consider not only the United Methodist Church settlement for the survivor trust fund, but the entire Boy Scouts of America bankruptcy plan. The hearing has been completed, but the judge has not yet made a ruling. If the plan is approved, our Conference will contribute \$994,468.00 to that Survivor Trust Fund.

All US United Methodist Church Conferences have committed to contribute the entire amount



allocated to them.

As soon as that fund reaches the \$30 million combined amount allocated for US United Methodist Churches, United Methodist Church congregations that chartered BSA troops will be fully released for claims made during scouting activities, and victims will be compensated.

The Conference continues to work toward the healing actions to which it committed. In fact, you'll find more about reviewing and updating Safe Sanctuary policies to help safeguard our young people from sexual abuse during this session of the Annual Conference.

New United Methodist Church BSA charters should be completed by end of June. In the meantime, local churches chartering Boy Scout Troops and Cub Scout Packs are reminded to renew their youth and adult membership.

As the BSA moves into a new future, the United Methodist Church continues to support scouting, but we recommend that churches who choose to recharter do so safely, according to the recommendations outlined in our report.

Please continue to pray for God's grace and healing upon those who have suffered abuse.

Next, we'd like to speak about one of the closed churches noted in our report: Bethel United Methodist Church in Elysian Fields.

In June 2021, the Texas Annual Conference was informed that Bethel UMC was interested in disaffiliating. However, instead of contacting the District Superintendent or Bishop to begin the process of discernment, according to the Principles of Disaffiliation approved by the Texas Annual Conference in 2020, the church contacted an attorney.

To protect the interests of the Conference, we, the Board of Trustees, met and authorized Conference leaders to hire an attorney to represent the interests of the Texas Annual Conference.

After negotiations, the church agreed to pay the settlement required by the Texas Annual Conference Principles of Disaffiliation, which included payment of the church's portion of the previous and current years' apportionments and the unfunded pension liability, in addition to reimbursing the Texas Annual Conference for our legal expenses.

Because the church insisted on leaving the denomination prior to the Texas Annual Conference, the Conference Board of Trustees agreed to utilize the "ad interim" procedure defined in Section 12549.3 in the Book of Discipline for such procedures occurring between sessions of Annual Conference.

With a church Conference vote, the church voluntarily transferred its title to all church property to the Texas Annual Conference Board of Trustees. The church amended its organizational documents to become Bethel Methodist Church and afterward the property was deeded back to Bethel Methodist Church.

The transactions were completed on February 4, 2022.

As agreed in the negotiations, Bethel United Methodist Church will be officially closed when this report is approved.

Finally, as part of our report, we have included the Texas Annual Conference Principles of Disaffiliation, which we recommended, and which were approved by the TAC in Annual Conference session in August 2020.

As you may recall, those principles require a local church interested in disaffiliation to

- contact their District Superintendent and enter into a period of discernment.

If the church wants to move forward toward disaffiliation, depending upon which Disciplinary path they choose to take, they must

- o Call a church Conference and approve a resolution to disaffiliate by either a simple majority or 2/3 majority ; and
- o Commit to pay the prior and current year's apportionments plus the church's unfunded pension liability.

When these steps have been completed, they submit supporting documents to the Board of Trustees and may voluntarily meet with us when their documents are reviewed and considered for recommendation for approval. Following this, we recommend them to you, the Texas Annual Conference for approval.

This year, we are sad to report that there are 3 Texas Annual Conference churches who have completed the process and have satisfied the requirements of the Principles of Disaffiliation.

They have met every requirement. And in just a moment we will recommend them to you for disaffiliation.

First, Bishop, our entire report is before you, ready for approval.

And then, we will recommend three local churches for disaffiliation."

Bishop Jones - "This report from the Trustees is present in the Pre-Conference Journal, pages 127-139. It's before you from the Board. I don't see anyone moving to speak to it. The chair has noted that it includes the final closing of Bethel United Methodist Church in Elysian Fields in Harrison County .....If you will adopt this report and approve it, would you say yes? Any opposed, no. And it's done."

Hal Sharp - "Bishop, the three congregations whose request for disaffiliation are recommended for approval include:

In the North District:

- Texarkana, Buchanan
- Texarkana, Eylau

In the West District:

- Marquez

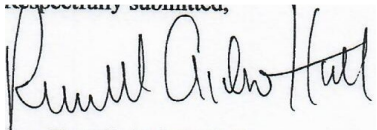
Bishop Jones - "As the Board is telling you, these three churches have completed the process of disaffiliation and what is available to the annual conference is a simple vote up or down on approval. Sometimes when I see people walking, I'm not sure if you're coming to the microphone or not. So, my apologies for delay. Okay. Thank you. I take it you're ready to vote. If you will approve the disaffiliation of these three congregations out of the United Methodist Church and the Texas Annual Conference, would you say yes? Any opposed, no. And it's done."

Hal Sharp - "Thank you."

Bishop Jones - "Thank you Hal. We appreciate the hard work, again. A group of people who volunteered and were willing to be elected to serve as one of your conference committees.....I think this group has discovered that there has been more activity than they ever dreamed might happen. We turn now to Kip Gilts for organizing another practice run at this electronic voting."

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I hereby certify that these minutes are true and verbatim transcriptions of the events in question.

Secretary Signature,  
  
Rev. Russell Andrew Hall

Rev. Russell Andrew Hall  
Secretary, Texas Annual Conference  
Senior Pastor, Parkway United Methodist Church  
5801 New Territory Blvd.  
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**1022-17**  
**Texas Annual Conference**  
**Interested Persons & Parties**

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